

STATEMENT OF JOAN CLAYBROOK, ADMINISTRATOR, NATIONAL HIGHWAY
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BEFORE THE SUBCOMMITTEE ON CONSUMER AFFAIRS, SENATE COMMITTEE
ON COMMERCE, SCIENCE AND TRANSPORTATION, S. 2816, A BILL TO
ESTABLISH A COMPREHENSIVE ALCOHOL - TRAFFIC SAFETY PROGRAM
IN EACH STATE

Mr. Chairman and Members of the Subcommittee:

I am pleased to appear before your Subcommittee to discuss S. 2816, a proposal to require the establishment of a comprehensive alcohol-traffic safety program in each State aimed at discouraging driving while under the influence of alcohol.

Extent of the Drunk Driving Problem

Drunk driving continues to be one of our Nation's most serious public health and safety problems. Last year, approximately 25,000 people died on our highways in motor vehicle accidents involving alcohol. From National Highway Traffic Safety Administration (NHTSA) accident studies, we have found that approximately 50 percent of all drivers involved in fatal accidents have sufficiently high levels of alcohol in their bloodstreams to be categorized as legally drunk, i.e., a blood alcohol concentration (BAC) in excess of one-tenth of one percent. This percentage of legally drunk drivers rises to 65 percent for the subset of drivers killed in single vehicle crashes where one can more reliably place fault. Though fatality statistics are shocking, they do not portray the true extent of drunk driving. For example, according to a study conducted by the University of

Pacific for the Stockton, California Police Department, 1 out of every 10 drivers on Friday and Saturday nights is drunk.

Driving under the influence of alcohol is a national problem that is manifest in each and every American community. Since the passage of the 1966 Highway Safety Act, our agency has worked to find ways to control this epidemic through research, demonstration projects, public information and technical guidance for the States and local governments. The States have also made a substantial commitment of their own to improve alcohol safety. In the ten year period, 1967-1977, they spent \$271 million on programs to improve the apprehension and adjudication systems for drunk drivers.

Minimal Enforcement of Existing Laws on Drunk Driving

The public is concerned about the drunk driving problem. Yet, at the same time, in spite of public concern and the efforts of the police agencies and the local courts, drunk driving remains the major traffic safety problem. The public's concern has not been translated into effective control of drunk driving. In part, the efforts of the police and the courts are thwarted by the lack of adequate training and preparedness to deal with the very large numbers of drunk drivers on the roads and the lack of the close coordination needed between the police and the courts to rapidly handle and dispose of drunk driving cases.

The police have difficulties with DUI (driving under the influence) arrests because the procedures for the arrest on that charge are more cumbersome and time-consuming than for any other traffic offense. It can take as long as 4 hours for a policeman to initially process a person arrested on a DUI charge and, additional time is consumed in subsequent court appearances. Moreover, the police may not be able to assign drunk driving patrol the high priority it warrants because the peak of drunk driving activity (late at night) corresponds with the peak of certain types of heavy criminal activity.

The courts and juries rarely apply the maximum sanctions for drunk driving allowed under State law because they consider the typical penalties of mandatory jail sentences, license revocation or large fines for this offense as too harsh for the normal law abiding people who come into the courts on drunk driving charges. The courts endorse plea bargaining or reduce the charge to the lesser, non-alcoholic offense to avert imposition of the severe penalties.

As for the drunk driver himself, if caught, he is unlikely to be convicted of the alcohol offense for the reasons just stated. Moreover, if convicted, punishment comes many months after his arrest. By that time, the punishment in the form of fines, jail, or treatment may become, in the DUI offender's mind, society's unjust intrusion into his life and a threat to his livelihood. This engenders resentment rather than contrition and negates the behavioral

modifications effects of the sanctions. As for the drunk drivers who are not caught, and they comprise the vast majority, they have little fear of being apprehended, and if apprehended, of being punished.

Alcohol Driving Problem Must Become Higher Priority

At present, people in most States who drive while intoxicated have little or no fear of apprehension. States have spent their own funds and NHTSA Highway Safety (Section 402) funds on the fight against drunk driving. Given the way drunk driving is handled in most States, however, no amount of money will guarantee improved results unless the process for drunk driving arrest, adjudication and sanctioning is improved and State and local governments send a clearer signal to drivers that drunk driving is a serious crime.

NHTSA Research - ASAP Experiment

Under the Alcohol Safety Action Project (ASAP) between 1970 and 1976, NHTSA conducted demonstration projects in 35 communities nationwide under a special \$88 million dollar appropriation to find what State and local governments could do to make a drunk driver deterrence program more effective at the local community level. The principal objectives of the ASAPs were:

- (1) to demonstrate that the establishment of a local program to coordinate the efforts of the police, courts, local government and rehabilitation agencies was practical and effective in curbing drunk driving;

(2) to improve the means by which drunk drivers are detected, apprehended, processed through the courts, diagnosed for the degree of alcohol dependency and given treatment as well as the traditional penalties such as fines and licensing actions.

Based upon the results of the ASAPs, we have found that the following measures are effective in reducing the drunk driving problem:

- Developing a coordinated system to handle the drunk driver -- involving the police, prosecutors, courts, probation officers, treatment and public information officials of the government.
- Streamlining court processing procedures to handle the increased caseloads.
- Adopting a broader approach to court sanctions by combining punishment for the driving offense with referral to rehabilitation agencies to treat the underlying alcohol problem. In this regard, it is important to distinguish between the problem, alcoholic drinker and the social drinker and to prescribe treatment according to that classification.
- Strengthening local and State laws to aid drunk driver enforcement, adjudication, license revocation and treatment efforts. Statutes authorizing roadside preliminary breath-alcohol screening and establishing an illegal per se blood-alcohol concentration level are examples of helpful legislative measures.

S. 2816

Senator Pell, very mindful of the tragic effects of drunk driving, has introduced a bill that seeks to make the fight against this menace a higher priority in each State by means of a more systematic approach to the problem. If it is a higher priority, drivers will become increasingly aware of this attitude on the part of State and local police

agencies and courts and will realize that they are much more likely to be caught if they drive while intoxicated.

We fully support the aims of S. 2816. We believe that a new emphasis on the dimensions and control of the drunk driving problem is needed. S. 2816 proposes that each State establish a comprehensive alcohol-traffic safety program in each major town and city. Many of the elements of this program specified in the bill we can support on the basis of the findings of our ASAP program.

The bill's focus on local level efforts to curb drunk driving is proper. Only a decentralized program gives priority to cooperation and integration of the local police, the local courts and the local rehabilitation agencies can lead to the quick and effective arrest, trial, sentencing and rehabilitation of DUI offenders that will force drivers to take notice of the legal consequences of drunk driving. This bill would not require the establishment of any new local alcohol agency --- just a closer working relationship among existing police, health and judicial agencies.

We applaud the encouragement the bill provides to local jurisdictions to make their drunk driving programs financially self-sufficient. Through heavier fines or tuition for treatment programs, the drivers, who create the alcohol-traffic safety problem, would pay for its solutions. If State law permits these monies to remain with the local government, the drunk

driver program can become financially self-sustaining and cease to draw on State and Federal funds.

The requirement that the State create a Statewide driver record capable of identifying repeat offenders is particularly important. There can never be a harsher penalty for a second or third drunk driving incident than for the first if the court can never obtain information on prior conviction of drunk driving. We support this effort to make workable existing State habitual offender laws on punishment for a second or third drunk driving offense.

The bill prescribes penalties for a drunk driving conviction - a mandatory jail term of 10 days or a comparable term of alternate community service, mandatory license suspension for the first conviction, mandatory license revocation for subsequent convictions and treatment for a convicted drunk driving offender who is a problem drinker.

We support these penalties on the basis of our ASAP experience. We found that mandatory license suspensions and revocations are the most effective deterrents to future drunk driving by those convicted. The coupling of health treatment with penal sanctions comports with our belief on the need to treat alcoholism, the underlying cause of the problem alcoholic driver's actions.

Although we object to a mandatory jail term for first time offenders, we feel that the availability of community service as an alternative to a mandatory jail term is a

reasonable and useful sanction that can be used creatively by judges. In our survey of local court actions in those States with mandatory jail penalties, we were repeatedly struck by the degree to which the courts did not impose jail terms in cases calling for them. We believe that the imposition of a term of alternate community service as an alternative to a jail sentence is socially constructive and, if properly devised, may educate the offender about the negative effects of his criminal behavior.

Summary

The drunk driving problem in this Nation is extensive, and represents a real threat to all who use the Nation's highways. Although it seems to be an intractable problem to some, we believe a coordinated program on the local level can make the fight against drunk driving a higher priority and more effective. Incorporating the latest knowledge on deterring drunk driving, S. 2816 goes a long way toward encouraging changes in the organization and penalty structure of a DUI program at the State and local government levels. We support this bill.

This concludes my statement. I would be pleased to answer any questions you might have.